

AMENDMENTS TO THE DRAWINGS

Figures. 3A, 3B, 5A & 5B were amended to bring them in compliance with the guidelines for the top margin of a drawing as required by the USPTO.

Attachment: Replacement sheet

REMARKS

This Response is further to the Official Action mailed on October 18, 2006. Claims 1-3, 5-6, 8-14 and 16-24 are pending. No claims have been amended by this Response.

Drawing sheets, including Figs. 3A, 3B, 5A and 5B, have been objected to due to the top margin not being deemed acceptable. A replacement set of these sheets is submitted herewith to address that informality. Entry of the replacement drawings is requested.

The pending claims have been rejected as being obvious over U.S. Patent No. 6,349,942 of Solboe. Solboe has previously been cited in the prosecution of this patent application. *See* Office Action mailed May 5, 2005. In response, Applicant argued that the relevant teachings of Solboe are not prior art to the pending claims and, therefore, the outstanding rejection cannot stand.

The Solboe Document Is Not Prior Art

U.S. Patent No. 6,349,942 to Solboe was cited as a reference in the rejection of each of the pending claims. The Solboe patent has a filing date of August 1, 2000 and also has a priority claim that precedes the instant application. Therefore, Solboe patent is citable as a prior art document, as the Patent Office has done.

The Solboe '942 patent describes, among other things, the use of “interactive internet web page” (column 3, line 65 through col. 4, line 1) which the Patent Office relies upon in rejecting each of the independent claims. *See as follows:* for **independent claim 6**, detailed action page 3, last paragraph (“DA[page #], ¶#”), DA4, ¶1; for **independent claim 21**, DA6-7, ¶ bridging pages and ¶2; and for **independent claims 1 and 12**, incorporating the citations against claim 21.

Critically, this disclosure relied upon by the Patent Office is not part of Solboe's priority application.

This can be appreciated by a review of the priority application, a true copy of which is attached at **Tab A**. In particular, the priority application describes a board game for multiple players to guess the name of a song played by a DJ. The DJ uses a compact disc player, phonograph, tape deck, radio, computer, television or internet access or he can hum the song. In the play of the game, the DJ (a human) determines who is correct because the DJ himself has chosen the song. Variations of game play include "mayhem" in which everyone shouts a guess and "solo" in which one person responds to the music cue. In all arrangements, including when "computer, television, or internet access" is the basis for play, the Solboe provisional application is unequivocal in teaching "[t]here must be a disc jockey who plays the music, but does not play the game, and at least two other players or teams." Page 4, lines 7-12. Respectfully, the Solboe provisional application does not describe any interactivity or game play across the Internet. Rather, use of a computer or Internet access is in connection with a human DJ picking or retrieving a song to play, which that person (the DJ) then decides if one of the players has guessed correctly. The disclosure of the Solboe provisional application does not teach the basic steps recited in the independent claims nor does it render obvious methods in which song identifications are posted by visitors (claims 1 and 12 and 21) or in which song identifications are provided to a website (claim 6), let alone the significant other steps in these claims. Rather, the Solboe provisional application describes a board game for play in one location, and the only remote play described in that document is "On-Air Live Style" (page 7, lines 1-6) in which a DJ again runs the game but players phone in answers with the DJ again deciding who is right and who is wrong.

Upon review of the priority application it is clear that the disclosure of Solboe 6,349,942 relied upon by the Patent Office has an earliest effective filing date of **August 1, 2000**. In contrast, the subject matter of the independent claims is fully supported by Applicant's priority application, filed on **May 19, 2000**. Consequently, the relevant teachings of the Solboe '942 patent are not prior art as against any of the claims pending in this application.

As a result, the relevant teachings of Solboe's '942 patent are not available as a reference against the pending claims. Accordingly, the rejection of the independent claims in view of Solboe

